

# HOUSE BILL No. 1095

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11-8-11; IC 3-11.7-2-1.

**Synopsis:** Voting procedures after normal poll closing time. Provides that if a court order or other order extends the hours that the polls are open, a voter who votes under the order after the time the polls otherwise would have closed must be provided a regular ballot if there are no candidates for election to a federal office on the ballot. (Under current law, such a voter must be given a provisional ballot.)

**Effective:** Upon passage.

**Tyler**

January 8, 2007, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1095

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-11-8-11, AS AMENDED BY P.L.221-2005,  
2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 11. (a) When the hour for closing the polls  
4 occurs, the precinct election board shall permit all voters who:  
5 (1) have passed the challengers and who are waiting to announce  
6 their names to the poll clerks for the purpose of signing the poll  
7 list;  
8 (2) have signed the poll list but who have not voted; or  
9 (3) are in the act of voting;  
10 to vote. In addition, the inspector shall require all voters who have not  
11 yet passed the challengers to line up in single file within the chute. The  
12 poll clerks shall record the names of the voters in the chute, and these  
13 voters may vote unless otherwise prevented according to law.  
14 (b) This subsection applies if a court order (or other order) has been  
15 issued to extend the hours that the polls are open under section 8 of this  
16 chapter. ~~As provided in 42 U.S.C. 15482,~~ The inspector shall identify  
17 the voters who would not otherwise be eligible to vote after the closing



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of the polls under subsection (a) and shall provide a:

(1) provisional ballot to **each of the voters described in this subsection** in accordance with IC 3-11.7; **or**

(2) **regular ballot to each of the voters described in this subsection if there are no candidates for election to a federal office on the ballot.**

SECTION 2. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

(A) whose name does not appear on the registration list; and

(B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot. **However, if there are no candidates for election to a federal office on the ballot, the individual shall be given a regular ballot instead of a provisional ballot.**

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1        SECTION 3. **An emergency is declared for this act.**

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